

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

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**MINUTES
BOARD OF FORESTRY AND FIRE PROTECTION
JOINT MEETING WITH THE
FISH AND GAME COMMISSION
May 1, 2, & 3, 2000
Bass Lake, California**

MEMBERS PRESENT:

Stan Dixon, Vice Chair
Mark Bosetti
Robert Heald
Raymond Flynn
Kirk Marckwald
Tharon O'Dell
Gary Rynearson

BOARD STAFF PRESENT:

Christopher P. Rowney
Executive Officer
Daniel R. Sendek
Executive Officer, Foresters Licensing
Donna Stadler, Executive Assistant

DEPARTMENTAL STAFF:

Andrea Tuttle, Director
Ross Johnson, Deputy Director
Resource Management
Dean Lucke, Assistant Deputy Director

CALL TO ORDER

Vice Chair Dixon called the May 2000 meeting to order and welcomed new member, Gary Rynearson, who had been sworn-in during the Interim Committee meeting.

REPORT OF EXECUTIVE SESSION

Vice Chair reviewed the items discussed in Executive Session.

MINUTES

Vice Chair Dixon asked that the approval of the April minutes be deferred until the following day. He then referred to an addendum to the March minutes that was before the Board and asked for action.

00-5-1 Mr. O'Dell moved to approve the addendum to the March 2000 minutes as presented. Mr. Flynn seconded the motion, and all were in favor.

The motion carried 6-0 with one abstention.

REPORT OF STANDING COMMITTEES

INTERIM COMMITTEE

Mr. Heald, Chair of the Interim Committee, said that the Interim Committee discussed the watershed/assessment along with several other issues. He said that the Committee would meet in June. Board staff was asked to send letters out to state and federal agencies with copies of the working documents that are in place. The goal at its next meeting will be to produce a decision from the Interim Committee regarding rule language for watershed assessment section. The Department is going to put together a review of the degree and type of review of work product assessments.

Vice Chair Dixon asked about the timeframe.

Mr. Heald said that the next meeting would be a discussion leading up to a consensus of what format the rule language should take. The Committee hopes to have rule language for a 45-Day Notice for the Board's July meeting.

Vice Chair Dixon said that at the confirmation hearing, it was asked about the timeframe of having watershed analysis a reality by January 1, 2001. He asked if the Committee took that into consideration.

Mr. Heald said that the Committee did by committing to have a 45-Day Notice ready for publication in July in an effort to meet the January 1, 2001, requirement.

RESOURCE PROTECTION COMMITTEE (RPC)

Vice Chair Dixon said that the RPC met and asked the Department to report on the new uniforms for CDF.

Mr. Tim Turner, Sierra-South Region Chief, wore the new CDF uniform and explained that the reason behind the new look for CDF was to change to cotton pants. He said that the tan and green would be a thing of the past.

Vice Chair Dixon said that the Committee received reports from both Regions and that they were gearing up for the official opening of fire season which would be May 15, 2000. He said that at the last meeting there was discussion of the use of a fire retardant that the Forest Service has used for some time.

Mr. Turner said that as long as the retardant is used under the guidelines, there should be no problems with its use.

Vice Chair Dixon then reported that the Department provided an update on the conservation camp issue and a study that it is doing, which should be completed by July 1, 2000.

FRANCIS H. RAYMOND AWARD

Mr. Daniel Sendek, Executive Officer for Foresters Licensing, said that the Board previously received the nominee packets for the 2000 Francis H. Raymond Award (FHR). He provided

background of the award for the benefit of the new members. He then said that the FHR Nomination Committee recommended RPFs Sherman Finch and Ron S. Adams as co-recipients of this year's Award and asked for Board approval.

00-5-2 Mr. Heald moved to approve Sherman Finch and Ron S. Adams as the 2000 recipients of the Francis H. Raymond Award. Mr. O'Dell seconded the motion, and all were in favor.

APPROVAL OF COST SHARE RATES ASSOCIATED WITH CALIFORNIA FOREST IMPROVEMENT PROGRAM (CFIP)

Mr. Ross Johnson, Deputy Director of Resource Management, provided copies of the capital rate figures used by the Department for CFIP and reviewed them for the Board. He then asked the Board for concurrence. Mr. Johnson noted that there were currently 66 applications waiting for the next funding cycle. The need is out there for CFIP.

Vice Chair Dixon asked if any applications had been submitted from Humboldt County.

Mr. Johnson said that there were none from Humboldt County.

Mr. Rynearson said that the Humboldt County Extension does not currently have a forester—that position is being handled by the UC system.

Mr. Heald said that it should be filled by July 2000 provided they have an adequate candidate for the Humboldt Forester position.

Mr. Johnson then reviewed the current legislation with the Board. He said that there is no change in legislation, at the present time, that would allow the Department to use CIFP money for anything that was required by the Forest Practice Act (FPA). He said that if a landowner wanted to do it voluntarily, the Department could go into the cost share with them. The Department is looking to helping landowners with their Road Management Plans.

Mr. Richard Gienger said that if the road was used to comply with the Forest Practice Act, without the authority in legislation, it could be perceived that one would be crossing that line.

Mr. Johnson said that the Department would have to look at each case individually to be certain that it was not doing something under CFIP that is required under the Forest Practice Act.

Mr. Mark Rentz, California Forestry Association (CFA), asked how things qualify under the proposed 2000 CIFP for the Land Conservation, Wildlife, and Fishery Projects.

Mr. Johnson said that it could be wildlife habitat enhancement/restoration—any fisheries project, land conservation. At the present time, it would not include thinning for fire, however, under the current legislation that would be allowed. He then asked for Board action.

00-5-3 Mr. Flynn moved to adopt the year 2000 California Forest Improvement Program Cost-Share Capital Rates as presented. Mr. Marckwald seconded the motion, and all were in favor.

REPORT OF THE ADVISORY COMMITTEES

CALIFORNIA FOREST PEST COUNCIL (CFPC)

No report this month.

RANGE MANAGEMENT ADVISORY COMMITTEE (RMAC)

Mr. Christopher Rowney, Executive Officer for the Board, read the RMAC report into the record. He reported that the next RMAC meeting would be held at the Harris Ranch facility on Interstate 5 June 21 and 22, 2000, and that it would be a joint meeting with the Southern California Fire and Watershed Council.

MONITORING STUDY GROUP (MSG)

Mr. O'Dell, Chair of MSG, reported that the April 18 meeting had been postponed due to the inability to provide a detailed presentation on the Garcia River Instream Monitoring Project. He said that a lot of progress had been made on the Hillslope Monitoring Report 2000. The forest practice database yielded a total pool of 3100 THPs and the screening took place in Redding, Santa Rosa, and Fresno to determine the watercourses present, yarding system, and ownership category. Approximately 120 letters were sent out requesting permission for access on 50 THPs. The Coast and Northern District plans approval for access by the end of April. The Southern District would likely need a few additional plans screened. The fieldwork should begin by the last week of May in the Coast District.

Mr. O'Dell said that the contract with CSU was amended and submitted. It would allow further refinement and management of the Hillslope Monitoring Database. The database may be converted to Microsoft Access 2000. Also, the draft final report for the Garcia River Cooperative Instream Monitoring Project has been sent to CDF. In early May, an updated draft would be sent to several resource professionals for peer review—the peer review should be complete by May 22, 2000.

Mr. O'Dell said that a list of potential contractors would be provided to CDF and that the Department hopes to work on this further with fiscal year 2000 dollars. He then said that CDF would like to make its Modified Completion Report (MCR) process for hillslope monitoring a high priority this summer.

PROFESSIONAL FORESTERS EXAMINING COMMITTEE (PFEC)

No report this month.

HEARING: To Consider Adoption of Section 1612.2 to Title 14 of the California Code of Regulations Regarding Notification of Disciplinary Action, 2000.

Mr. Daniel Sendek, Executive Officer for Licensing, referred to the 45-Day Notice, on February 25, 2000. He said that the written comment period ended on April 10, 2000, and there were no comments received. He then summarized the proposed modifications to 14 CCR §1612.2 for the Board, and asked for its consideration and approval.

00-5-4 Mr. Flynn moved to close the public hearing. Mr. O'Dell seconded the motion, and all were in favor.

00-5-5 Mr. Rynearson moved to approve the adoption of the rules package as noticed. Mr. Heald seconded the motion and a roll call was taken.

Bosetti	Aye
Heald	Aye
Marckwald	Aye
Rynearson	Aye
Flynn	Aye
O'Dell	Aye
Dixon	Aye

The motion passed by unanimous vote.

CONTINUED REPORT OF EXECUTIVE SESSION

Vice Chair reported that is Executive Session.

Mr. Daniel Sendek, Executive Officer for Licensing, reported that in the Executive Session the Board unanimously approved the Stipulated Agreement in case number 245, between Michael S. Vogel, RPF 1823 out of Eureka, and the Board of Forestry and Fire Protection. He then outlined the contents of the Agreement.

BOARD OF FORESTRY AND FIRE PROTECTION JOINT MEETING WITH THE FISH AND GAME COMMISSION

COMMISSION MEMBERS PRESENT: Michael Chrisman, President
Sam P. Schuchat, Vice President
Richard T. Thieriot, Member
Michael Flores, Member

COMMISSION STAFF PRESENT: Robert Treanor, Executive Director

CALL TO ORDER

Vice Chair Dixon call the Joint meeting of the Board of Forestry and Fire Protection and the Fish and Game Commission to order.

CHAIRMAN'S REPORT

Vice Chair Dixon asked the President of the Commission to introduce the Commissioners and his staff.

Mr. Mike Chrisman, President of the Fish and Game Commission, introduced the Commissioners and staff, and members of the Department of Fish and Game. He said that the Commission was proud of its ongoing relationship with the Board of Forestry and Fire Protection. He said that it was fitting that the meeting was being held on the edge of some of the most productive and diverse agricultural regions in the world. The region in the San Joaquin Valley produces in excess of 250 agricultural commodities shipped to all parts of the world. He then provided background regarding the relationship, established in 1994, between the Board and the Commission. He believes that it is important to continue the relationship and continue working on these very critical issues.

Vice Chair Dixon said that the Board was also looking forward to the continued relationship. He thanked those responsible for an excellent tour. He then acknowledged the newest member of the Board and reported that the Senate Rules Committee confirmed four other members, who were up for confirmation, on May 1, 2000.

DIRECTORS REPORT

Director Tuttle said that it was a pleasure to be meeting jointly with the Board of Forestry and the Fish and game Commission. She thanked the Ranger Unit for the excellent field trip. She also thanked the homeowners for their involvement with the FireSafe Council in an effort to make their communities safer.

Director Tuttle pointed out the relationship and integrated nature between fire protection issues and resources issues. She then provided a brief overview of the implementation of Pacific Lumber's HCP. The HCP sets out new standards, definitions, and new review processes that need to be made operational. It has been a cooperative effort between CDF, Fish and Game, Water Board, Mines and Geology, Fish and Wildlife Service and the National Marines Fisheries Service. The HCP provides resource protection, but it also provides that the company would be allowed to remain in business and operate in a sustainable manner while providing jobs.

Director Tuttle then reported that CDF, DFG, and the Board have been working along with other agencies on addressing the salmonid issue since the listing by National Marine Fisheries Service as Threatened. She provided an overview of the Watershed Protection Review Council (WPRC) Science Panel Report (SPR). The report was issued about the time the Board began to consider Forest Practice Rule amendments, and was the basis for the Threatened and Impaired rules package adopted by the Board.

Director Tuttle said that CDF is engaged in updating the management plan for Jackson Demonstration State Forest (JDSF). She reviewed the database effort to update the information on biology, geology, stream conditions, and forest conditions for the Board and the Commission.

Director Tuttle said that there are ongoing discussions regarding the role of the Department of Fish and Game during large fire events. The discussions are regarding where sensitive species and habitats are located and how the information can be known ahead of time so that CDF can better know how to plan while fire plans are being made.

Director Tuttle then reviewed the "changing face of CDF" and the related problems facing the Department for the Board and the Commission.

Mr. Tim Turner, Sierra-South Region Chief, reported that the progress on the Fire Plan was going well. Six units have completed their Fire Plan 2000. He then said that the preparation for fire season was on schedule.

Chief Turner said that under the Department's respiratory protection program and according to OSHA regulations, if an employee carried self contained breathing apparatus, they need to be individually fit tested for the mask that they wear. There were approximately 5000 employees that needed to be fit tested. A medical questionnaire and physical are required of each of those employees.

Chief Turner said that AB 1999 involving camp crew expansions continues to work its way through the Legislative process.

Mr. Flynn said that the Mountain Home Forest is going to be surrounded by the Clinton Monument Program and asked Director Tuttle what that would do to the program at Mountain Home.

Director Tuttle said that the existing contract of sales on the federal lands would continue to operate for a two-year period. She believes that would keep the local sawmill open during that period. The Mill owner would then have to decide if the mill would stay open and that would affect Mountain Home. She said that the Department would continue to watch that process.

REPORT OF Board AND COMMISSION SUBCOMMITTEES

Mr. O'Dell reported that the Subcommittee met in Redding in early March to discuss some of the Joint Policies of the Board and the Commission. Member Marckwald was also involved with the Subcommittee and participated via teleconference. He said that he was encouraged by the cooperation between the Board and the Commission and would like to see this close relationship continue.

REPORT FROM OTHER FEDERAL AGENCIES, INCLUDING THE NATIONAL MARINE FISHERIES SERVICE (NMFS)

Mr. Joe Blum, National Marine Fisheries Service (NMFS), reported that the 9 million dollar grant between the state of California and the United States is close to being signed. Once the MOU is signed, the state can officially file an application for the money. He believes that the process is working and reviewed it for the Board and the Commission. NMFS would not be in the selection process. He said that the Legislature is waiting for the agreement to be signed to pass the necessary state legislation that would allow the state to proceed.

Mr. Blum said that there are additional funds in the president's budget for year 2001. It would be a four-state distribution. He suggested that the Board and the Commission send a joint resolution addressing the amount to be allocated to California.

Commissioner Chrisman asked where the state's 25 percent cost-share would come from.

Director Tuttle said that since CDF was not a party to the negotiations, she did not know.

There was some further discussion.

Mr. Heald said that he would like to have NMFS present at the next Interim Committee meeting. He hopes that the discussions could lead to the Committee sending the Board a proposal for regulatory language for watershed assessment.

Mr. Blum said that they would be there. He then reported that the decision for listing Northern California Steelhead Salmon would occur by the end of the month. He said that the 4(d) rule for all threatened species on the west coast that were not previously covered by a 4(d) rule would be sent to Washington, D.C. and final action would be June 19, 2000. He noted that California was very effective in its comments. The NMFS is about finished with its listing activities for the state. The Northern California Steelhead could be the last new listing activity. The Department of Fish and Game had presented evidence that there are Steelhead further south than NMFS had originally thought, so that range may be extended.

Mr. Blum said that there had been a lot of time spent implementing the Pacific Lumber Habitat Conservation Plan. He expressed appreciation for the cooperation during this process. He believes that the process is working. Mr. Blum then said that NMFS is also working with two other companies so that they might be prepared to submit applications within the next year.

Mr. Blum then stated that NMFS has tried to work with the Board in an effort to do more for the recovery of Coho Salmon and other listed species. NMFS does not believe that the action that the Board took earlier this year was enough. NMFS is coming out with a 4(d) rule that will not include

California. This means that timber activities in California are subject to the take prohibitions of the Endangered Species Act. He urged the Board and the Commission to keep the commitment and move on with the effort.

There was some further discussion.

Mr. Robert Treanor, Executive Director to the Fish and Game Commission, thanked Mr. Blum for his participation in the Commission's regulatory process. He then extended a challenge to NMFS with their dealings with the Bureau of Reclamation to be sure that there is adequate water in the Klamath River to protect the Salmon and Steelhead.

Mr. Blum said that it is that type of action that helps with the Bureau and it is an issue that needs to be dealt with.

Commissioner Chrisman asked what the Commission could do to move that process along.

Mr. Blum suggested that the Fish and Game Commission invite the Regional Director of the Bureau to meet with the Commission.

Commissioner Theriot said that six or seven years ago, the Department of Fish and Game (DFG) were always in the papers, now the Board of Forestry and Fire Protection is in the news. He believes that it is due to the evolution that is going on in California. More Californians are seeing their forests as habitat for wildlife. He said that Forestry probably should go through the same re-evaluation that the DFG did in its responsibility to public trust resources.

REPORT OF THE USDA FOREST SERVICE

Mr. Thomas C. Efird, District Ranger with the USDA Forest Service, provided an update on the activities of the Forest Service for the Board and Commission. He commented on the field trip and the good work on the ground and the relationships that have developed over the years.

Mr. Efird said that fires are occurring in the Southwest and would continue until they get rain. He reported that the Draft Sierra Nevada Framework document would be released on May 5, 2000, and that there would be a series of workshops around the state to help the public understand that document. There will be a 90-day comment period also beginning on May 5, 2000. He then said that they have identified two preferred alternatives within the document and he reviewed them for the Board and the Commission. He said that they look forward to the Board and Commission and the public's comments. The final document should be out this fall.

Mr. Efird said that next week the roadless area EIS should be released. It does not have as much impact in California as it does in other areas. He then reported that the establishment of the Sequoia National Monument would only affect the lands on the Sequoia National Forests. He said that there could be some indirect affect as far as long-term sustainability of the timber industry in the southern Sierra. There are three giant Sequoia groves that are outside parks or National Monuments on federal lands. He said that the Monument would be developing a management plan over the next three years.

Mr. Flynn asked if the alternatives in the Sierra Nevada Framework are to be individually selected, or if a combination of the alternatives could be selected.

Mr. Efird said that it could be a combination of the two.

Mr. Flynn then asked for an update on the Quincy Library Group (QLG).

Mr. Efird said that there had been some delay while waiting for the Framework to come out. The QLG is highlighted throughout the SNF document and its implementation is a priority.

There was some further discussion.

DISCUSSION OF UPDATES TO JOINT POLICIES

COHO SALMON

Mr. Marty Berbach, Department of Fish and Game (DFG), provided an update on the Joint Policy on the Coho Salmon. He said that DFG was directed by the Board and the Commission, at the last joint meeting, to draft an update to the Joint Coho Salmon Policy. He provided a copy to the Board and the Commission and reviewed it with them. The new draft Joint Policy Statement includes Coho salmon, Chinook salmon, Steelhead trout, and coastal Cutthroat trout. The draft had input and review from the Central Coast Region, the North Coast/Northern California Region, and DFG Headquarters management and staff.

Commissioner Chrisman asked how the document had changed since the last Joint meeting.

Mr. Berbach said that it had been changed to reflect watershed assessment, and that there was also a focus of a watershed and salmon habitat approach, and not just single species approach.

Mr. Marckwald thanked Mr. Berbach for his efforts. He then asked about “shall and should” in the policy statement.

Mr. Berbach said that it was a policy from the DFG to use the word “should.” There are times when it is a matter of discretion on the part of DFG and it could also be a matter of funding, whether the resources are available or not.

Mr. Terry Mansfield, Deputy Director of the Department of Fish and Game's Wildlife and Inland Fisheries Division, said that while this working document was a comprehensive effort of DFG, the Department was now looking for guidance from the Board and the Fish and Game Commission.

Director Tuttle provided handouts outlining how CDF handles THPs that are in the range of Coho.

Mr. Dean Lucke, Deputy Director for Forest Practice, referred to the handout and said that it shows some of the types of mitigations measures that are implemented in the approval process of timber harvesting plans for the protection of Coho. The rules set a minimum standard and whenever there is an endangered watershed or threatened species issue to deal with, the Department goes way beyond the set standards of the rules. He then reviewed an outline of protections measures specific to individual timber harvesting plans for the Board and the Commission.

Director Tuttle responded to Commissioner Thieriot's comments regarding the shifts in attitudes and response that the Fish and Game Commission has gone through from a historical approach to Fish and Game management and now habitat protection. She said that the same thing was happening in the forestry arena. And it was important to communicate to the public that the shift in understanding the wildlife values and water quality values on private forestlands are given higher protections than in the past.

Mr. Ross Johnson, Deputy Director for Resource Management, said that the law enabling the 2090 Agreement with the Department of Fish and Game south of San Francisco is no longer on the books. However, CDF, forest industry members, landowners in the area, and DFG have kept that agreement going. If the landowner wants to put these things in their THP, DFG does not have to be contacted because Coho is being protected.

Mr. Rynearson said that the Science Panel interviewed representatives from the area south of San Francisco. He said that those people worked well together in the implementation of the 2090 Agreement.

Mr. Heald asked about direction regarding the policy document.

Mr. Marckwald said that it was important for the Board that the document be moved as quickly as possible.

Mr. Heald suggested that a couple of items in the old agreement be carried over to the new agreement. He encouraged that the Departments to include an element for providing education and training for RPFs and landowners.

Mr. Rynearson suggested the inclusion of scientific protocols.

Vice Chair Dixon said that the Board and Department staff should work with Fish and Game on the suggested amendments and additions and bring the policy back as soon as possible.

Mr. O'Dell suggested that the draft policy that was provided by the Department of Fish and Game after Board and Department of Forestry staff work on it should go first to the subcommittee and then brought back to the Joint Board and Commission for adoption.

Mr. Heald said that the sensitive wildlife species concept had not worked and urged the Board of Forestry and Fire Protection members to think about becoming proactive instead of reactive regarding the section in the Board's rules related to sensitive species.

Mr. Richard Gienger said that this was an emergency and needs action and urged the Board and the Commission indicate to the Legislature some of the things that need to be done. He provided copies of six items that he believes require attention regarding the watershed assessment process.

Mr. Mark Rentz, California Forestry Association (CFA), said that the document still lacks protocols and process in place to evaluate salmonid trends. CFA believes that it is time for the Commission to encourage development of some kind of protocol so that a true assessment of the fish population can be done. Also that there needs to be trend monitoring and effectiveness monitoring. It is not known how these projects are working as individual projects or cumulatively. CFA believes that California has made great strides toward improving habitat.

Ms. Traci Thiele, Humboldt Watershed Council, requested inclusion of Water Quality Control Boards in the salmon policy. She believes that Water Quality Board's are struggling to encourage monitoring and water quality assessments and getting little support for CDF or DFG.

Vice Chair Dixon directed staff to continue working on the Coho Joint Policy and bring it back at the next Joint meeting.

HARDWOODS

Commissioner Chrisman opened the discussion on the Joint Hardwood Policy.

Mr. Barry Garrison, Department of Fish and Game (DFG), provided a handout and reviewed the efforts made by DFG on the Joint Hardwoods Policy for the Board and the Commission. He pointed out that hardwoods provide wildlife habitat throughout the state, as well as contributing to water related values. Mr. Garrison read a portion of DFG's Director Hight's into the record. He said that conifers and development are squeezing out the hardwoods throughout the state. He referred to the conservation strategy for vineyard conversions.

Mr. Marckwald asked how vineyard strategy worked within the regulatory process.

Mr. Garrison said that the document was not a regulatory focus, but was on wildlife and habitat concerns.

Dr. Richard Standiford, Forest Management Specialist and Manager of the Integrated Hardwood Range Management Program (IHRMP) for UC Extension, introduced the next speaker.

Dr. Doug McCreary, UC Extension IHRMP, provided a brief history of the IHRMP. He then provided a handout on the recent IHRMP activities and accomplishments and reviewed it for the Board and Commission. He said that there was widespread concern about how hardwoods are being managed in California. He reviewed the efforts in securing funds to address the mortality issue. He then announced that there was another hardwoods symposium being planned for October 2001 in San Diego.

Dr. James Bartolome, Chairman of the Department of Environmental Science Policy and Management for the UC Extension and the Director of the IHRMP, provided a handout outlining the background of the IHRMP from its inception in 1986 to the present and an update on its research policies. He also reviewed topics to be addressed in 2000 and 2001. He said that the program, as outlined, has worked well.

Dr. Bill Stewart, Chief of CDF's Fire and Resource Assessment Program (FRAP), said that the activities at FRAP were concentrated on trying to provide consistent and high-quality information to help identify and monitor hardwoods and other vegetation across the state. The purpose of this effort was make sure that the different departments that produce maps and acreage counts are working from the same numbers. He provided a draft copy of a brochure for a workshop with stakeholders in southern California entitled, "California Land Cover Mapping and Monitoring." It began with a cooperative program between CDF and the USDA Forest Service since both entities have mapping responsibilities. He said that one of the goals was to be sure that the information being used was consistent. FRAP would be continuing with its efforts and also the collaborative efforts with the USDA Forest Service and the IHRMP.

Commissioner Chrisman asked who was responsible for the mapping in the Central Valley.

Dr. Stewart said that the Department of Water Resources does most of the land-use issues since so much land is irrigated. DFG does most of the mapping in the surrounding areas.

Ms. Janet Cobb, California Oak Foundation, said that the Foundation was formed in 1988 and was a membership organization involved in public policy. The Foundation has been working with the public though the state and providing workshops on estate planning and conservation easements. She said that AB 242 was currently in the Senate Appropriations and Proposition 12 passed which provides for 5 million dollars to buy Oak Conservation easements. She said that regarding the issue of vineyard conversions, when the vineyards finish their work, CEQA does not have much application remaining because the habitat is gone. There are lawsuits in San Diego on this CEQA issue. She said that the Foundation believes that the science is important, but that it is time to address these issues in a much more direct fashion. She said that the work that is being done is good, but limited. The Foundation requests that the Board put together a task force to gather information. They believe that oaks should be regulated as a commercial species. Oaks are critical to the habitat in California.

Commissioner Thieriot said that there are no laws preventing private landowners from removing oaks from their property, but the Foundation believes that there should be such a law.

Ms. Cobb said that it was correct.

Commissioner Thieriot said that would have to come from the Legislature.

Commissioner Chrisman said that there were many ordinances that provide protection of oaks.

Ms. Cobb said that there were, but there could be a statewide regulation or ruling for oaks. She believes that if the Joint Hardwoods Policy were to be implemented that would have major implications.

Ms. Deborah Barnes, Deputy Attorney General and Counsel to the Board, said that this issue had been in front of the Board before. The Attorney General's Office believes that this Board could look into that regulatory process for Oaks as a commercial species. It would be up to the Board to determine if it would want to go into that direction.

Mr. Christopher Rowney, Executive Officer for the Board, said that present regulation adopted by the Board does have two species groupings defined as commercial species. Hardwoods are included in group B species such as Black oak, Tan oak, and several other hardwoods. Valley oaks were not on that list and there was no mechanism for putting them on it.

Commissioner Thieriot asked if the Foundation had utilized the initiative process.

Ms. Cobb said that if they were to do an initiative, it would be much more restrictive. She said that it is her belief that they have the votes to do that. However, she indicated that the Foundation would rather work through the Board. She then said that the Foundation is working on developing a very large state park using the Yosemite Restoration Trust in an effort to protect the oak woodland resources.

Mr. Heald asked if anything had been done to address the seven items that the Oak Foundation had asked for in an earlier letter to the Board.

Dr. Stewart said that the maps should be available within the next month.

Mr. Garrison said that DFG was working on a publication to replace interim oak guidelines. He said that the hardwood policy is in the Fish and Game code and the Forest Practice Rules as standard operating procedure. And the Natural Diversity Database (NDDDB) was done with the exception of two areas with Valley oaks that are considered a vegetation community of special concern by the Native Plant Society.

Mr. Flynn asked how many counties that have Valley oaks have the NDDDB.

Mr. Garrison said that it was a voluntary database, but he believes that most planning departments in the state of California do have that database.

Ms. Cobb said that California is down to about 75,000 Valley oaks and that something needs to be done to preserve them. She said that more needs to be done about public information so that people are aware of what is going to be lost.

Ms. Traci Thiele said that the Humboldt Watershed Counsel supported the efforts of the California Oak Foundation. She expressed concern over the clearing of oaks and the possible spreading of pests and disease around the state. She believes that CDF should have scrutiny over the harvesting of oaks. In Humboldt County, hardwood products are being produced and she would like to see that encouraged. She believes that Water Quality should be included in any task force that has to do with land management.

Mr. Ross Johnson, CDF Deputy Director for Resource Management, referred to the Oak Foundation letter and said that within the Forest Practice Act, the Board has the authority to designate commercial species through an A species list and a B species list. The oaks are on the B species list. He provided the Board and the Commission with an explanation on how those

designations apply to those species when on “timberlands” as defined in the Codes. He said that the Board should determine the nature of the problem prior to the formation of new rules.

Commissioner Chrisman asked about the oak guidelines.

Mr. Rick Standiford referred to the letter sent from the Board to all Counties encouraging them to develop local oak guidelines.

Ms. Cobb said that the letter to the Counties had no teeth and that some of the Counties have not responded.

Mr. Larry Ballew, RPF, said that he was a fifth generation rancher and had 1600 acres of oak woodlands, he was the director of the local RCD. He said that the Valley Oaks Guidelines were written in response to the Board's letter. The RCD in Madera County conducted several meetings recently regarding a tree ordinance in the Oakhurst area. It was felt that there was no need for an ordinance at that time. They believe that regulation of oak woodlands would impact the ability to respond to the State Fire Plan.

Vice Chair Dixon suggested that the Board direct staff to put the issue on as an agenda item in the near future and to work with the Department to review how effective the direction to the Counties had been. Also, review the Attorney General's opinion and the jurisdiction the Board has in this matter to determine if there is a need to pursue this issue.

There was some further discussion.

Commissioner Thieriot said that he believes that intrusion on property rights is outweighed by public interest.

Mr. Heald said that there was a need to bring the new members up to date on this issue and suggested getting the process moving.

Mr. Rowney said that there were four or five counties that do not have program in place.

Mr. Flynn said that he believes it important to determine in those counties that do have something in place, how is it working.

PRE-DURING, AND POST FIRE

Mr. Terry Mansfield, Deputy Director of the Department of Fish and Game, said that DFG, CDF, and Board staff met to review the existing policy and used specific examples to determine where communications could be improved and updated the policy. He referred to a draft marked-up document and reviewed it with the Board and the Commission.

Mr. Robert Treanor, Executive Director for the Commission, said that the Director of Fish and Game wanted more flexibility.

REPORT ON STATUS OF PROGRAMS ADDRESSING PITCH CANKER

Commissioner Chrisman introduced to topic.

Dr. Marty Berbach, DFG, reported that the petition to list Monterey Pine as an Threatened Species under the State Act had been withdrawn on December 14, 1999. He said that since then there had been additional conservation efforts. A workshop was held last month regarding genetic conservation of Monterey Pine. Also, the Association of Monterey Bay Area Governments (AMBAG) has just created an internal administrative draft on NCCP it will be circulated to

landowners and public agencies for review. This is the first step to determine if an NCCP is appropriate. He then said that the Cambria Community Services District through CDF Pitch Canker funding, SB1712, have decided to develop and implement a long-term management plan.

Mr. O'Dell asked about the timeframe.

Dr. Berbach said that he would look into the timeframe and get back to the Board on that.

Mr. Rick Standiford, UC Center for Forestry, said that the SB 1712 grants for last year are well underway. That will add to the information base regarding management practices affecting Pitch Canker in the state. The Pitch Canker Task Force is currently doing a policy paper for reducing risks of the spread of Pitch Canker.

Mr. Rob Thornton, Pebble Beach Company Attorney, spoke to the Monterey Pine petition. They do not believe that there is any creditable basis to list the Monterey Pine as an Endangered Species. The Company believes that it has an active program to address the issue. He said that they were encouraged that the Pitch Canker petition had been withdrawn. He then suggested that the Board formally request a Pest Council review pending re-submittal of Monterey Pine listing petition.

Mr. Treanor asked what percentage of the area was affected.

Mr. Thornton did not have that information.

Mr. Dean Lucke, CDF Deputy Director for Forest Practice, said that the Department would answer that question at the next Board meeting.

PUBLIC FORUM

Mr. Ron Goode, Deer Farmer and Chairman of the North Fork Mono Tribe, provided background on this family history. He said that he had requested permission from the Commission that they be allowed to move their partially certified herd with disease to another ranch if one were found. CalTrans took away their pasture and they are still looking for another pasture. They built a facility to have their deer tested for disease and the Food and Agriculture veterinarian testing showed that the animals were disease free. The Department of Food and Agriculture said that since they were already partially certified that they should be considered fully certified. He then asked that they be considered fully certified so that they could move some of their animals to other ranches. Our veterinarian has been out and inspected the Tribes property and the Tribe has a license. Since then, the law enforcement section of Fish and Game has been out and it does not believe that the Tribe is fully certified.

Commissioner Chrisman said that the issue is that in order to sell the deer, the Tribe must become fully certified. Mr. Goode is asking the Commission to begin the process to fully certify the herd based on the input from the CDFA Veterinarian and the local veterinarian.

Mr. Goode said that was correct and read Section 676 related to certification into the record.

Mr. Mansfield said that Fish and Game has worked closely with Mr. Goode, but was not aware that he was feeling pressure from enforcement. He said that he believes the problem is in the 12-month intervals for testing. If Mr. Goode were requesting that DFG waive that 12-month interval between tests, that would compromise the current regulations. He said that he would look into it further.

Commissioner Chrisman suggested that DFG go back and visit with Mr. Goode and the veterinarians in an effort to resolve the issue.

Ms. Traci Thiele, Humboldt Watershed Counsel (HWC) and people from Mendocino County, provided copies of the Voices of Humboldt County to the Board and Commission. She also provided copies of a letter on behalf of HWC and EPIC and the residents of Humboldt County concerning consideration of a THP in Bear Creek and another letter on the old growth forest issue. HWC is encouraged by the Interim Committee's work on watershed assessment. She believes, however, that her comments are not given the weight of some of the other experts or people who give comments. She agrees that the proactive approach is the way to go. She then expressed concern regarding the make-up of the Board and the Commission. Ms. Thiele also suggested that an MOU be developed as to what parts of Watershed Assessments would be overseen by which agency.

Mr. Mark Rentz, California Forestry Association (CFA), said that CFA believes that the Pre-During and Post Fire policy statement should recognize the efforts of private landowners. Some landowners do have biologists on the ground. He said that public trust issues would always be balanced against private property rights and looking at the charge to the Board and the Commission was important. The Board has an obligation to assure that the public resources are addressed. He then referred to the ESA and provided a brochure on TMDLs to the Board and the Commission and reviewed it with them.

Mr. Richard Gienger summarized his comments regarding 916.4 in the Forest Practice Rules for the Board and the Commission. He believes that the restoration efforts and the extraction efforts have been segregated in evaluation and response.

Commissioner Chrisman thanked the Department and the Board for hosting the Joint meeting and everyone for their participation and comments.

CONTINUED BOARD OF FORESTRY AND FIRE PROTECTION MEETING

Vice Chair Dixon called the continued meeting to order.

PRESENTATION FROM LAKE COUNTY regarding its proposal for County rules affecting timber harvest in a Scenic Combining District

Mr. Al Straessle, Lake County Special Planner, said that he met with Board staff and provided modifications to the Lake County petition for proposed rules.

Mr. Rowney said that there was language before the Board indicating the modifications. He reviewed those with the Board.

Mr. O'Dell said that he would like time to absorb the changes.

Vice Chair Dixon asked the Board if it wanted more time.

Mr. Heald said that he had not had a chance to review the changes either. The Board could put it out to a 45-Day Notice.

Mr. Flynn said that he would be in favor of moving forward with the package now. The notice should go out to Lake County so that the hearing could be set.

00-5-6 Mr. Flynn moved to send the Lake County Petition out for a 45-Day Notice as amended. Mr. O'Dell seconded the motion, and all were in favor.

Members Marckwald and Ryneerson were not present for this vote.

Motion carried 5-0.

MINUTES

Vice Chair Dixon then asked for approval of the April minutes.

00-5-7 Mr. Flynn moved to approved the April 2000 minutes as amended. Mr. O'Dell seconded the motion, and all were in favor. Members Marckwald and Rynearson were not present for the vote.

NEW AND UNFINISHED BUSINESS

Mr. Rowney announced that the Board would meet in Sacramento on June 5, 6, & 7, 2000.

Mr. Gaylon Lee, Water Quality Resources Control Board (WQRCB), asked if the Board would like a briefing at its next meeting on the USEPA/NCAA report for the Federal Register.

Mr. O'Dell asked when would the document be made available for review and when the public comment period would end.

Mr. Lee said that it would be 60 Days for the Register.

Mr. O'Dell said that he would like to have a summary of the report presented to the Board.

Ms. Traci Thiele expressed concerns about the Board's Web-site.

Mr. Richard Gienger expressed concern about the June meeting and the timing.

Mr. Rowney said that his focus was on the agenda for June.

ADJOURNMENT

Vice Chair Dixon adjourned the May 2000 meeting of the Board of Forestry and Fire Protection.

Respectfully submitted,

ATTEST:

Christopher P. Rowney
Executive Officer

Stan Dixon
Vice Chair

Copies of the attendance sheet can be obtained from the Board Office.